IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2148 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

G S R T CORPN

Versus

PRATAPBHAI G JHALAL

Appearance:

MRS VASAVDATTA BHATT for Petitioner

RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 24/08/2000

ORAL JUDGEMENT

1. By way of this petition, the award of the Labour Court, Nadiad, whereby the respondent is awarded reinstatement with 25% backwages, is challenged.

2. The learned counsel for the petitioner has vehemently argued that the record of the respondent's service produced along with the petition clearly shows that the respondent was in the habit of remaining absent without leave and, on that account, the respondent should suffer appropriate punishment. It is recorded in the impugned award that the respondent has been punished once for the same misconduct by stoppage of one increment with permanent effect and thereafter departmental inquiry was conducted, as a result of which the respondent has been dismissed. The Labour Court has taken note of the fact that the respondent was sick during the period of his last alleged absence without leave. However, although apparently the workman has been punished twice for the same misconduct, the impugned order has also taken into consideration the fact that the respondent has maintained himself during the course of the proceedings before the Labour Court and, therefore, 75% of backwages has been denied to him. The petitioner has made out no case to interfere with these findings of fact and the order of reinstatement with only 25% backwages. Accordingly, the petition is rejected and the Rule is discharged with no order as to costs. Interim relief stands vacated. The petitioner shall comply with the award within six weeks from toady.

Sd/-
(KMG Thilake)
##########